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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,965

Applicant(s)

ELLIOTT ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: _____

1. Claims 1-54 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-54 are rejected under 35 U.S.C. § 102(e) as being anticipated by McHann, Jr [McHann 5,991,806]

2. As per claim 1, McHann discloses a system for managing a virtual network (i.e.: Internet), comprising:

a first interface to a remote sensing platform, the remote sensing platform sensing status information (i.e.: RMON) of at least one operational device [McHann, various operational power states of devices, col 4 lines 9-13, remote sensors and RMON, col 4 lines 40-55];

a second interface to at least one client platform, the at least one client platform operable to present the status information of the at least one operational device [McHann, remote monitoring system, col 4 lines 40-55]; and

a mediation server [McHann, server, col 10 lines 54-63], communicating with the first interface and the second interface, the mediation server translating the status

information [McHann, status information, col 8 lines 1-11] of the at least one operational device from a first format to a second format for presentation via the at least one client platform [McHann, server converts the message, col 10 lines 54-63].

3. As per claim 2, McHann discloses the at least one operational device comprises a plurality of operational devices or network devices [McHann col 4 lines 22-34].

4. As per claim 3, McHann discloses the at least one operational device comprises at least one of a power device, a generator device, a gate access device, a water flow device, an aerial tower light device, a vending machine device, an drop box device, a sewer device, a water treatment device, a flood control device, a railroad device, a waste management device, an environmental management device, a pipeline device, a wellhead device, a downhole device, a traffic device, a gas line device, a medical device, a financial information device, an inventory tracking device, an other utility device, and a quality management device as web appliance devices.

5. As per claim 4, McHann discloses the first interface comprises a lows level representation of the at least one operational device [McHann, a power management application, col 4 line 61-col 5 line 7]

6. As per claim 5, McHann discloses the low-level representation comprises a graphical representation of the at least one operational device and operating data [McHann, highend graphic, col 7 lines 9-15].

7. As per claim 6, McHann discloses the second interface comprises a graphical user interface displaying the status information [McHann, highend graphic, col 7 lines 9-15].

8. As per claim 7, McHann discloses the second interface comprises an Internet connection [McHann, Internet, col 6 lines 23-32].

9. As per claim 8, McHann discloses the second interface comprises an input module for inputting commands via the second interface [McHAnn, input, col 5 lines 35-55].

10. As per claim 9, McHann discloses the commands comprise at least one of display commands selecting status information to display via the second interface, and operational commands to communicate to the at least one operational device [McHann, col 8 lines 1-11].

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11. As per claim 10, McHann discloses the remote sensing platform comprises at least one remote network connected to the at least one operational device [McHann, RMON, col 4 lines 40-55].

12. As per claim 11, McHann discloses the at least one remote network comprises a wireless network [McHann, mobile computer, col 13 lines 28-44, col 14 line 54-col 15 line 15].

13. As per claim 12, McHann discloses the wireless network comprises at least one of a Cellemetry interface, a MicroBurst interface, a Mobitex interface, an OrbComm interface, a RIM interface, a GSM interface, a GPS interface, a Bluetooth interface, a LEO satellite interface, a GEO satellite interface, a CDMA interface, a TDMA interface, an IEEE 802.11b interface, and a HyperLAN II interface as inherent features of wireless devices [McHann, portable computer, col 11 lines 40-60].

14. As per claim 13, McHann discloses the at least one remote network comprises a wired network [McHann, wired Ethernet, col 7 lines 25-35].

15. As per claim 14, McHann discloses the wired network comprises at least one of a ModBus interface, a VMEBus interface, a Metrum-Datatape interface, an RS-232 interface and a GPIB interface as inherent features of wired LAN.

16. As per claim 15, McHann discloses the at least one remote network comprises a plurality of remote networks [McHann, Internet, col 6 lines 22-33].

17. As per claim 16, McHann discloses the at least one operational device comprises a plurality of operational devices, and each of the plurality of remote to networks senses the status information of at least a corresponding one of the operational devices [McHann, RMON, col 4 lines 40-55].

18. As per claim 17, McHann discloses the operational devices are of the same type when the network devices are computers [McHann, col 3 lines 40-57].

19. As per claim 18 McHann discloses at least two of the operational devices are of a different type [McHann, different format from different sub systems, col 4 lines 1-8].

20. As per claim 19, McHann discloses the mediation server comprises a database, the database storing information related to the at least one operational device [McHann, MIB, col 4 lines 40-55].

21. As per claim 20, McHann discloses the information stored in the database comprises an operational history of the at least one operational device [McHann, MIB, col 4 lines 40-55].

22. As per claim 21, McHann discloses the database is queryable via at least one of the first interface and the second interface [McHann, MIB, col 4 lines 23-33, 40-55].

23. As per claim 22, McHann discloses the client comprises at least one of a computer and a wireless remote device [McHann, mobile computer, col 13 lines 28-44, col 14 line 54-col 15 line 15].

24. As per claim 23, McHann discloses the second interface comprises a Web page as inherent feature of Internet .

25. As per claim 24, McHann discloses the Web page comprises an account login as inherent feature of Internet .

26. As per claim 25, McHann discloses the translation server generates a notification when alert criteria are satisfied in the status information [McHann, notification, col 14 lines 20-34; 54-col 15 line 15].

27. As per claim 26, McHann discloses the notification comprises at least one of landline telephonic notification, wireless telephonic notification, email notification, pager notification, instant messaging notification and PDA notification as inherent feature of the a lert message over wireless network [McHann, mobile computer, col 13 lines 28-44, col 14 line 54-col 15 line 15].

28. As per claim 27, McHann discloses the mediation server comprises a redundant device for failure recovery as inherent features of cache memory.

29. Claims 28-54 contain the similar limitations set forth of apparatus claims 1-27. Therefore, claims 28-54 are rejected for the similar rationale set forth in claims 1-27.

Claims 1-54 are rejected under 35 U.S.C. § 102(e) as being anticipated by Krishnamurthy et al [Krishnamurthy 6,389,464 B1]

30. As per claim 1, Krishnamurthy discloses a system for managing a virtual network (i.e.: Internet), comprising:

a first interface to a remote sensing platform, the remote sensing platform sensing status information (i.e.: sensors for monitoring and control) of at least one operational device [Krishnamurthy, a connection from web/SNMP manager to remote devices, col 4 lines 1-65, Fig 2];

a second interface to at least one client platform, the at least one client platform operable to present the status information of the at least one operational device [Krishnamurthy, a connection from client to server, col 4 lines 40-55, Fig 2]; and

a mediation server [Krishnamurthy, Web server 64, Fig 3, col 5 lines 47-col 6 line 44], communicating with the first interface and the second interface, the mediation server translating the status information [Krishnamurthy, status information, col 17 lines

10-33] of the at least one operational device from a first format to a second format for presentation via the at least one client platform [Krishnamurthy, conversion operation, col 12 lines 34-51].

31. As per claim 2, Krishnamurthy discloses the at least one operational device comprises a plurality of operational devices or network devices [Krishnamurthy, different devices, col 6 line 55-col 7 line18].

32. As per claim 3, Krishnamurthy discloses the at least one operational device comprises at least one of a power device, a generator device, a gate access device, a water flow device, an aerial tower light device, a vending machine device, an drop box device, a sewer device, a water treatment device, a flood control device, a railroad device, a waste management device, an environmental management device, a pipeline device, a wellhead device, a downhole device, a traffic device, a gas line device, a medical device, a financial information device, an inventory tracking device, an other utility device, and a quality management device as home appliance devices.

33. As per claim 4, Krishnamurthy discloses the first interface comprises a lows level representation of the at least one operational device [Krishnamurthy, low-level devices, col 7 lines 31-43, col 9 line 65-col 10 line 5]

34. As per claim 5, Krishnamurthy discloses the low-level representation comprises a graphical representation of the at least one operational device and operating data [Krishnamurthy, graphic, col 7 lines 54-65].

35. As per claim 6, Krishnamurthy discloses the second interface comprises a graphical user interface displaying the status [Krishnamurthy, graphic, col 7 lines 54-65].

36. As per claim 7, Krishnamurthy discloses the second interface comprises an Internet connection [Krishnamurthy, Internet, col 6 lines 28-55].

37. As per claim 8, Krishnamurthy discloses the second interface comprises an input module for inputting commands via the second interface [Krishnamurthy, write operation, col 9 line 65-col 10 line 5].

38. As per claim 9, Krishnamurthy discloses the commands comprise at least one of display commands selecting status information to display via the second interface, and operational commands to communicate to the at least one operational device [Krishnamurthy, display information, col 7 lines 54-65].

39. As per claim 10, Krishnamurthy discloses the remote sensing platform comprises at least one remote network connected to the at least one operational device [Krishnamurthy, col 1 lines 20-38].

40. As per claim 11, Krishnamurthy discloses the at least one remote network comprises a wireless network [Krishnamurthy, wireless services, col 4 lines 1-6].

41. As per claim 12, Krishnamurthy discloses the wireless network comprises at least one of a Cellemetry interface, a MicroBurst interface, a Mobitex interface, an OrbComm interface, a RIM interface, a GSM interface, a GPS interface, a Bluetooth interface, a LEO satellite interface, a GEO satellite interface, a CDMA interface, a TDMA interface, an IEEE 802.11b interface, and a HyperLAN II interface as inherent features of wireless devices [McHann, portable computer, col 11 lines 40-60].

42. As per claim 13, Krishnamurthy discloses the at least one remote network comprises a wired network [Krishnamurthy, Ethernet, col 4 lines 32-43].

43. As per claim 14, Krishnamurthy discloses the wired network comprises at least one of a ModBus interface, a VMEBus interface, a Metrum-Datatape itinterface, an RS-232 interface and a GPIB interface as inherent features of wired LAN.

44. As per claim 15, Krishnamurthy discloses the at least one remote network comprises a plurality of remote networks [Krishnamurthy, col 6 lines 45-55].

45. As per claim 16, Krishnamurthy discloses the at least one operational device comprises a plurality of operational devices, and each of the plurality of remote to networks senses the status information of at least a corresponding one of the operational devices [Krishnamurthy, col 6 lines 45-55, col 17 lines 10-34].

46. As per claim 17, Krishnamurthy discloses the operational devices are of the same type as a design choice.

47. As per claim 18, Krishnamurthy discloses at least two of the operational devices are of a different type [Krishnamurthy, different devices, col 6 line 55-col 7 line 18].

48. As per claim 19, Krishnamurthy discloses the mediation server comprises a database, the database storing information related to the at least one operational device [Krishnamurthy, col 17 line 10-34, 65-col 8 line 8].

49. As per claim 20, Krishnamurthy discloses the information stored in the database comprises an operational history of the at least one operational device as inherent feature of database.

50. As per claim 21, Krishnamurthy discloses the database is queryable via at least one of the first interface and the second interface [Krishnamurthy, query, col 17 lines 10-34].

51. As per claim 22, Krishnamurthy discloses the client comprises at least one of a computer and a wireless remote device [Krishnamurthy, wireless services, col 4 lines 1-6].

52. As per claim 23, Krishnamurthy discloses the second interface comprises a Web page [Krishnamurthy, Web page 70, Fig 3].

53. As per claim 24, Krishnamurthy discloses the Web page comprises an account login as inherent feature of Internet.

54. As per claim 25, Krishnamurthy discloses the translation server generates a notification when alert criteria are satisfied in the status information [Krishnamurthy, notification, col 13 lines 17-50, 65-col 14 line 7].

55. As per claim 26, Krishnamurthy discloses the notification comprises at least one of landline telephonic notification, wireless telephonic notification, email notification, pager notification, instant messaging notification and PDA notification as inherent feature of the alert message over wireless network.

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56. As per claim 27, wherein the mediation server comprises a redundant device for failure recovery as inherent features of cache memory [Krishnamurthy, col 17 lines 10-34].

57. Claims 28-54 contain the similar limitations set forth of apparatus claims 1-27.

Therefore, claims 28-54 are rejected for the similar rationale set forth in claims 1-27.

58. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

